

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROSEMARY ROUX,

Plaintiff,

VS.

SOUTHWESTERN BELL YELLOW
PAGES,

Defendant.

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CIVIL ACTION NO. C-07-308

**MEMORANDUM OPINION AND ORDER GRANTING MOTION FOR LEAVE
TO AMEND COMPLAINT**

Pending is plaintiff's motion for leave to file an amended complaint (D.E. 12).

Defendant is opposed (D.E. 18).

Because a responsive pleading has been filed, plaintiff may amend her pleading only with the defendant's written consent or with leave of court. Fed. R. Civ. P. 15(a)(2).


"The court should freely give leave when justice so requires." *Id.*

Defendant argues that there is very little substantive difference between plaintiff's original complaint and her amended complaint. This argument weighs in favor of granting leave to amend. Defendant's further argue that plaintiff has added two new factual allegations which do not state a claim for relief. The new allegations do appear to be conclusory, but this issue can be flushed out in a motion to dismiss. The lawsuit is in its early stages, and defendant has not articulated any prejudice it has or will suffer if plaintiff is permitted to amend.

Plaintiff's motion for leave to amend her complaint (D.E. 12) is GRANTED.

Defendants are permitted to file a responsive pleading within twenty days of the date of this order.

ORDERED this 20th day of December, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE